

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
SPECIAL CIVIL APPLICATION No. 17803 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE RAVI R.TRIPATHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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PATEL DAXESHBHAI SANKALCHAND
Versus
STATE OF GUJARAT AND OTHERS

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=Appearance :

MR PINAKIN M RAVAL for the Petitioner

MR JK SHAH, ASSISTANT GOVERNMENT PLEADER for Respondent Nos.1-2

None for other Respondents

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CORAM : HONOURABLE MR.JUSTICE RAVI R.TRIPATHI

Date : 22/08/2007

ORAL JUDGMENT

1. **RULE.** Mr.Jaswant K.Shah, learned Assistant Government Pleader waives service of Rule on behalf of the respondents.

With the consent of the learned advocates, the matter is taken

up for final disposal.

2. The petitioner has challenged order dated 03.03.2007 passed by the District Collector, Banaskantha at Himmatnagar in RTS Revision Case No.15 of 2007.

The main ground of challenge to this order is that the petitioner was not heard at the time of passing of the order.

3. Mr.Jaswant K.Shah, learned Assistant Government Pleader submitted that the Collector had passed the order after affording an opportunity of hearing to the concerned parties.

The aforesaid statement does not go to show that the petitioner was heard at the time of passing of the order under challenge. That being so, it is clear that there was violation of principles of natural justice and therefore, order of the Collector dated 03.03.2007 cannot be allowed the stand.

4. In the result, the petition is allowed. Order dated 03.03.2007 is quashed and set aside.

At the request of learned Assistant Government Pleader Mr.Jaswant K.Shah, it is clarified that allowing of this petition and quashing of order dated 03.03.2007 does not mean that the Collector cannot pass order in accordance with law after affording opportunity of hearing to the petitioner and also to other concerned parties, so that in future some other party does not come before the Court and complains about violation of principles of natural justice.

5. Rule is made absolute. No costs. Parties are directed to maintain status quo in the meantime. Direct service is permitted.

(RAVI R.TRIPATHI, J.)

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